NEW JERSEY BOARD OF PUBLIC UTILITIES

Natural Gas Pipeline Rules - N.J.A.C. 14:7

Proposed Companion Amendments

BPU Docket No.: GX08121086

February 12, 2009

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PUBLIC UTILITIES

Natural Gas Pipelines

Proposed Amendments: N.J.A.C. 14:7-1.4, 1.8, 1.9, 1.11, 1.12, 1.14, 1.20, 1.24,

1.25, and N.J.A.C. 14:7-2.3

Proposed Repeal: N.J.A.C. 14:7-1.19

Authorized By: Board of Public Utilities, Jeanne M. Fox, President, and

Frederick F. Butler, Joseph Fiordaliso, Nicholas V. Asselta, and Elizabeth Randall, Commissioners.

Calendar Reference: See Summary below for an explanation of exception to

calendar requirement.

Authority: N.J.S.A. 48:2-13, 48:9-33, 48:10-2 et seq.

BPU Docket Number: GX08121086

Proposal Number: PRN -

Comments may be submitted through May 1, 2009 through either of the following methods:

? Electronically, in Microsoft WORD format, or in a format that can be easily converted to WORD, by e-mailing them to the following e-mail address: rule.comments@bpu.state.nj.us; or

? On paper to:

Kristi Izzo, Board Secretary New Jersey Board of Public Utilities

Attention Docket Number: GX08121086

Two Gateway Center

Newark, New Jersey 07102

The agency proposal follows:

Summary

The New Jersey Board of Public Utilities (Board) is herein proposing amendments to its rules regarding various aspects of natural gas pipelines (N.J.A.C. 14:7), which address the construction, operation, and maintenance of natural gas transmission and distribution pipelines. These rules were proposed for readoption on September 2, 2008 at 40 N.J.R. 4915(a), and the final adoption in that rulemaking proceeding appears elsewhere in this issue of the New Jersey Register. However, based on comments received on that readoption proposal, the Board determined that additional changes to the natural gas pipeline rules were necessary. These changes could not be made on adoption because they were substantive changes that required additional notice and comment, and so this companion proposal incorporates these additional changes.

As the Board is providing a 60-day comment period on these proposed amendments, the proposal is exempt from the rulemaking calendar requirements set forth at N.J.A.C. 1:30-3.1 and 3.2, pursuant to N.J.A.C. 1:30-3.3(a)5.

Following is a section-by-section summary of the proposed amendments:

Changes are proposed to N.J.A.C. 14:7-1.4(b) and (c) to clarify that it is the Board's Bureau of Pipeline Safety, and not the full Board itself, that reviews requests for approval of the installation and operation of pipelines.

N.J.A.C. 14:7-1.8(c), which requires that transmission lines not be installed beneath roads if possible, is proposed for deletion, as it is redundant with provisions at N.J.A.C. 14:7-1.4 and 1.18. Those provisions provide an opportunity for Board staff to review the installation of all transmission lines on a case-by-case basis, ensuring that proximity to roads will be minimized whenever possible.

Proposed amendments to N.J.A.C. 14:7-1.9(b) would remove a requirement that sectionalizing valves be placed so that no more than 500 customers would be affected by an emergency shutdown. Instead, the amendment would require the pipeline operator to consider the number of customers that would be affected by an emergency shutdown, along with five other factors already in the rules. In some cases, sectionalizing valves may not be the best way to minimize the impact of an emergency shutdown on customers. The proposed amendment would allow pipeline operators greater flexibility to utilize a variety of methods for minimizing the impact of an emergency shutdown. This will allow more efficient allocation of operator resources while retaining maximum reliability of service. 1.9(c) changes discuss eval report date

Existing N.J.A.C. 14:7-1.9(d) and (e), which require the filing of a summary report of the operator's evaluation of its sectionalizing valves, are proposed for deletion, to be replaced by proposed new (d). The sectionalizing valve evaluation must still be conducted and provided to Board staff upon request. However, the Board does not believe the filing of a summary report is necessary.

N.J.A.C. 14:7-1.11(c) is amended to require a minimum six inch cushion of smooth, clean fill on all sides of all natural gas pipelines, and to clarify the distinction between the cushion required here and the minimum cover requirements at N.J.A.C. 14:7-1.12.

Amendments are proposed to N.J.A.C. 14:7-1.12(a) to clarify and modify the cover requirements for gas distribution mains. First, the minimum required cover over distribution mains is reduced from 36 inches to 30, and an additional exception allows less than 30 inches of cover in cases of impracticality. Second, the provision is split into two subsections for clarity, with provisions requiring shielding relocated into new N.J.A.C. 14:7-1.12(b). Finally, the applicability of the shielding requirement is narrowed. In the existing rule, shielding is required for all distribution mains that have less than 30 inches of cover. The proposal would reduce the scope of the shielding requirement so that it would apply only where a distribution main covered by an exception in (a) has less than 24 inches of cover. Therefore, if a distribution main qualifies for an exception to the requirement for 30 inches of cover (these exceptions are found at N.J.A.C. 14:7-1.12(a)), but has 24 inches or more of cover, the main would not require shielding.

Amendments are proposed to existing N.J.A.C. 14:7-1.12(b) and (c), recodified in this proposal as N.J.A.C. 14:7-1.12(c) and (d). The amendments add an exception to the requirements for cover over gas transmission pipelines and gas service lines respectively. The exception applies in situations where short pipe sections require offsets that could trap liquids. In addition, the scope of the shielding requirement at proposed (c) (existing (b)) for gas transmission pipelines is reduced so that it applies only where cover is less than 42 inches.

Existing N.J.A.C. 14:7-1.14 and 1.19, which both address pressure testing, are proposed to be consolidated at proposed N.J.A.C. 14:7-1.14. Existing N.J.A.C. 14:7-1.19(a) is recodified in the proposal as N.J.A.C. 14:7-1.14(e) and (f), and streamlined to be more similar to the testing requirements of the Federal code. (Existing N.J.A.C. 14:7-1.14(e) is proposed for deletion, as it is covered by the proposed new provisions.) Rather than requiring an operator to submit certification of testing prior to operating a transmission pipeline, the modified rule would require that the testing take place prior to operation, but submittal of the certification and test report could occur any time within one month after the test date. Since the Board normally witnesses these tests, the simplified provision will reduce paperwork while still ensuring that necessary testing is performed.

An amendment is proposed at N.J.A.C. 14:7-1.20(c) to limit the requirement that leak detection surveys be performed with equipment equivalent to flame ionization. This equipment is impractical to use indoors. Therefore, the proposal narrows this requirement so that it will apply only to leak detection surveys conducted outdoors.

Changes are proposed to N.J.A.C. 14:7-1.24(b), which requires a minimum of one inspection per day for each crew working on behalf of a gas pipeline operator. However, many crews work on behalf of pipeline operators at sites where a crew is digging a trench in preparation for later pipeline work, where repetitive work is being performed such as the installation or replacement of gas service lines, or where a crew is performing site restoration or clean-up. The inspections required under this section were not intended to apply to work sites where crews were performing these duties. Therefore, the proposed amendment would provide an operator the flexibility to perform inspections as often as necessary to ensure the quality and safety of work.

Changes are also proposed to N.J.A.C. 14:7-1.24(c) and (d), which requires natural gas pipeline operators to maintain records of inspections. First, the proposal deletes an erroneous requirement at N.J.A.C. 14:7-1.24(d) and (c) that an operator's program for qualification of pipeline personnel be approved by the Bureau of Pipeline Safety. The Board has never approved these Federally required programs and does not intend to begin doing so. Second, the proposed amendments add a requirement that the operator perform quality assurance/quality control audits, and maintain audit records. These audits may involve actual job site visits or inspections, as well as reviews of records compiled by inspectors. The audit reports must contain all of the applicable information required for inspection reports under the existing provision.

Based on comments made on the recent readoption of these rules, a sentence is added to N.J.A.C. 14:7-1.25(c), to clarify that the operator must provide the drawings required in this subsection to Board staff for inspection if requested.

Changes are proposed to N.J.A.C. 14:7-1.25(f), which requires the use of window excavations to ensure the integrity of plastic pipe installed through HDD. First, a requirement is proposed at N.J.A.C. 14:7-1.25(f)1 that all window excavations be inspected. In addition, there may be other, more effective or efficient ways to ensure pipe integrity relative to HDD installations. Therefore, proposed N.J.A.C. 14:7-1.25(f)2 is added to allow an operator to obtain Board staff approval to use another method. A minor change is proposed to N.J.A.C. 14:7-1.25(f)3 (recodified in this proposal from existing (f)2) to make it consistent with proposed (f)2.

A change is proposed to N.J.A.C. 14:7-1.25(h), reducing the scope of the requirement for an onsite inspector when HDD work crosses other underground facilities. The existing rules require an onsite inspector when any underground facility is being crossed with HDD. However, the requirements at N.J.A.C. 14:7-1.25(a) through (g) provide sufficient protection for HDD crossings of other subsurface facilities. Therefore, the proposed amendment would require an onsite inspector only when a transmission pipeline is being crossed.

A change is proposed to N.J.A.C. 14:7-2.3(a). The current rule requires that a party submit an Answering Certification within 14 business days. The rule has been modified to allow parties to submit an Answering Certification within 21 calendar days.

Social Impact

The proposed amendments will have a significant positive social impact, in that they respond to important issues raised by commenters, and will provide additional flexibility to natural gas pipeline operators to comply with the rules in the most efficient manner.

Economic Impact

The proposed amendments will provide natural gas pipeline operators with additional flexibility in meeting the rules' requirements, which will have a positive economic impact on the operators, and on the citizens of New Jersey who use natural gas. See the Federal Standards Analysis below for a further description of likely compliance costs. These costs are justified by the benefits generated by increased safety to the public and their property. Finally, pipeline operators subject to the jurisdiction of the Board will be allowed to recover all reasonable, prudent and supportable levels of costs through rates charged to customers.

Federal Standards Analysis

Executive Order No. 27(1994), and P.L. 1995, c.65 (N.J.S.A. 52:14B-22 through 24), require State agencies that adopt State rules which exceed any Federal requirements to

include in the rulemaking document a comparison with Federal law. The Federal law that corresponds to these rules is found in the regulations of the United States Department of Transportation at 49 C.F.R. §§190, 191, 192, 193, 198, and 199. These proposed amendments are comparable with the corresponding Federal law in all but the areas discussed below.

The Federal regulation for high-pressure distribution systems requires sectionalizing valves, spaced "so as to reduce the time to shut down a section of main in an emergency," and states that the spacing shall be determined by operating pressure, pipe size, and local physical conditions. The Board's rules governing the spacing of sectionalizing valves on distribution pipelines, found at N.J.A.C. 14:7-1.9(a) and (b), require the operator to consider additional and more specific factors not included in the corresponding Federal regulations at 49 C.F.R. §192.181. However, the proposed amendments will bring the Board's rules closer to those of the Federal code, by increasing the flexibility provided to natural gas pipeline operators in complying with the rules.

Amendments proposed to N.J.A.C. 14:7-1.11(c) require all gas pipelines to be installed with at least a six inch cushion surrounding the pipeline. This is more stringent than the Federal regulations at 49 C.F.R. 192.319, which do not specify a cushion, but only require that the pipe and pipe coating be protected from damage from the backfill material. N.J.A.C. 14:7-1.11(d)3 is proposed for deletion, in part to make the rules more consistent with the Federal code.

Amendments to N.J.A.C. 14:7-1.12(a) would reduce the required cover over gas distribution mains from 36 inches to 30, but the provision remains more stringent than the Federal code, which requires 24 inches of cover.

An amendment in the last sentence of proposed N.J.A.C. 14:7-1.12(c) would reduce the scope of the shielding requirement so that it would apply only where a transmission pipeline had less than 42 inches of cover. This is more stringent than the Federal Code at C.F.R. 192.327, which requires additional protection if cover is less than 36 inches.

A proposed amendment to N.J.A.C. 14:7-1.20(c) requires that leak detection surveys on bare and cathodically unprotected steel distribution lines be performed with equipment that is equivalent to flame ionization. The amendment applies this requirement only to surveys conducted outdoors, as the equipment is impractical to use indoors. The Federal regulations at 49 C.F.R. §192.723 require leak detector equipment, but do not specify the type of equipment.

Amendments proposed to N.J.A.C. 14:7-1.25(f) require inspections for window excavations conducted on plastic pipe in horizontal directional drilling (HDD) operations. This requirement is not found in the Federal regulations. This requirement is not found in the Federal Code. However, the Board's experience with HDD indicates that this requirement is necessary for safety in New Jersey.

To the extent that these proposed amendments may require an operator to install pipelines at increased depths of cover or use additional shielding, there will be some costs incurred. However, the Board has determined that these costs are justified as a measure of damage prevention and to ensure the protection of people, property and the environment, especially in densely populated areas.

Jobs Impact

The proposed amendments are likely to have a negligible impact on jobs in New Jersey, if any. The primary effect of the amendments is an increase in flexibility for natural gas operators in how they comply with the rules. Therefore, to the extent that jobs are affected at all, the proposed amendments may shift the types of jobs available, away from activities relating to inspections and reporting, and towards activities related to pipeline construction and installation.

Agriculture Industry Impact

The proposed amendments will have no impact on the agriculture industry in New Jersey. While many natural gas pipelines cross agricultural areas, these proposed amendments will not change pipeline construction or maintenance practices in any way that will impact farms or farmers in New Jersey.

Regulatory Flexibility Analysis

In accordance with the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. (the Act), the Board has determined that the proposed amendments will not impose reporting, recordkeeping or other compliance requirements on any small businesses as that term is defined in the Act. Most intrastate pipelines located in New Jersey are operated by the four local distribution companies (LDCs) currently subject to the jurisdiction of the Board, all of which have more than 100 employees. Other pipelines may be operated by large industrial businesses such as power plants, which are also not small businesses under the Act. A small minority of pipeline operators in New Jersey are small businesses. However, because smaller pipelines are operated at lower pressures, these rules do not apply to them.

Smart Growth Impact

The Board anticipates that the proposed amendments will have no impact on either the achievement of smart growth or the implementation of the State Development and Redevelopment Plan. The State Plan is intended to "provide a coordinated, integrated and comprehensive plan for the growth, development, renewal and conservation of the State and its regions" and to "identify areas for growth, agriculture, open space conservation and other appropriate designations." N.J.S.A. 52:18A-199a. "Smart growth is based on the concepts of focusing new growth into redevelopment of older urban and suburban areas, protecting existing open space, conserving natural resources, increasing transportation options and transit availability, reducing automobile traffic and dependency, stabilizing property taxes, and providing affordable housing." While the location of infrastructure such as natural gas pipelines can significantly affect the location of new development, these rules apply to construction practices, installation,

inspection and similar safety related activities, and do not affect the location of the pipelines within New Jersey. Thus, the rules do not affect the location of future development, and the proposed amendments will not impact smart growth or the State Plan.

Housing Affordability Impact

The proposed amendments will have an insignificant impact on affordable housing in New Jersey because the scope of the proposal is limited to safety requirements for natural gas transmission and distribution pipelines. There is an extreme unlikelihood that the proposed amendments would evoke a change in the average costs associated with housing, because the cost of constructing, operating and maintaining natural gas transmission and distribution infrastructure is so small a component of housing prices as to have virtually no effect on the housing market.

Smart Growth Development Impact

The proposed amendments will have an insignificant impact on smart growth in New Jersey because the scope of the proposal is limited to requirements to ensure the safe construction, operation, and maintenance of natural gas transmission and distribution pipelines. The rules do not affect the location within the State of natural gas pipelines. Therefore, there is an extreme unlikelihood that the proposed amendments would evoke a change in housing production within Planning areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan.

Full text of the rule proposal follows (additions are indicated in boldface **thus**; deletions are indicated in brackets [thus]):

CHAPTER 7. NATURAL GAS PIPELINES

SUBCHAPTER 1. CONSTRUCTION, OPERATION AND MAINTENANCE OF TRANSMISSION AND DISTRIBUTION NATURAL GAS PIPELINES

14:7-1.4 Proscribed areas

- (a) (No change.)
- (b) No person shall replace or relocate a natural gas pipeline with a maximum operating pressure in excess of 250 psig to a location that is within 100 feet of a building intended for human occupancy without prior [Board] approval from the Board's Bureau of Pipeline Safety. However, a pipeline that meets all of the following conditions is exempt from the requirement of prior [Board] approval under this subsection:
 - 1. 3. (No change.)
- (c) A [petition pursuant to this section for] <u>request for approval of the</u> installation and/or operation of a transmission pipeline shall be subject to the requirements of 49 C.F.R. 192, including the requirements for passage of internal inspection devices at 49 C.F.R. 192.150, and for an integrity management program in Subpart O, 49 C.F.R. 192.901 through 192.951.

14:7-1.8 Pipelines near railroads and highways

- (a) (b) (No change.)
- [(c) Whenever reasonably possible to avoid doing so, a gas transmission pipeline shall not be installed beneath and in close proximity to any public hard surface highway or street.]

14:7-1.9 Distribution system valve requirements

- (a) (No change.)
- (b) In determining the number and spacing of sectionalizing valves, each operator shall [ensure that the maximum number of customers to be affected by an emergency shutdown shall not exceed 500 customers. In addition, the operator shall] consider the following:
 - 1. 3. (No change.)
 - 4. The accessibility of the valve locations; [and]
 - 5. The response time and shutdown capabilities of the operator; and
 - 6. The number of customers that will be affected by an emergency shutdown.
- (c) (No change.)
- [(d) Each operator shall file a report with the Board's Bureau of Pipeline Safety on or before {insert date 15 months after effective date of rule}, which includes all of the following:
 - 1. A summary of the evaluation required under (c) above;
 - 2. If the number of customers that may be affected by an emergency shutdown in any section exceeds 500, the report shall specify the maximum number of customers that may be affected, along with an explanation of other measures the operator may use to limit the number of customers affected by a shutdown in order to meet the requirement for safe and reliable operation.
- (e) Where sectionalization of the distribution system may result in more than 500 customers being affected in an emergency shutdown, the operator shall analyze whether additional valves need to be installed whenever any maintenance and/or replacement work is performed, in order to reduce the number of customers affected to 500 or below.]
- (d) Each distribution pipeline operator shall maintain the evaluation required in (c) above, and shall make it available for inspection at reasonable hours by Board staff upon request.
- [(f)] (e) Sectionalizing valves required under (a) above shall be maintained in accordance with the requirements of 49 C.F.R. 192.747.

14:7-1.11 Installation of pipe

- (a) (b) (No change.)
- (c) Backfill around gas pipelines shall [be] <u>consist of a minimum six inch cushion that surrounds the pipeline on all sides with smooth, clean soil or select fill.</u> It shall be free from rock, stones, cinders, paving material, construction debris, wood, contaminated soil, frozen soil, rubbish, or other [foreign] substances <u>that may damage the pipeline or its coating</u>. Backfill material shall be well compacted under, over, and around the sides of the pipe. Compaction of backfill material may be accomplished by mechanical tamping, vibration tamping, or other methods approved by the operator.
- (d) (f) (No change.)

14:7-1.12 Minimum cover over natural gas pipelines

- (a) Gas distribution mains shall be installed with a cover of not less than [36] <u>30</u> inches above the top of the pipe, except where:
 - 1. [interference] <u>Interference</u> with other subsurface structures makes it impracticable to maintain this depth of cover [or];
 - 2. [where short] Short length replacement sections of distribution mains require offsets that could result in the trapping of liquids; or
 - 3. <u>It is not practical to install the main with at least 30 inches of cover.</u> [, in which event]
- (b) If a gas distribution main is installed with less than 24 inches of cover in accordance with (a) above, the installed pipe shall be protected with shielding that conforms with gas industry standards, both in respect to material and manner of installation. No shielding shall be required for a gas distribution main with 24 to 30 inches of cover.
- [(b)] (c) Gas transmission pipelines shall be installed with a cover of at least 48 inches above the top of the pipe, except where interference with other subsurface structures makes it impracticable to maintain this depth of cover or where short length replacement sections require offsets that could result in the trapping of liquids. In such cases, if cover is less than 42 inches, shielding shall be installed that conforms with gas industry standards, both in respect to material and manner of installation.
- [(c)] (d) Whenever conditions permit, gas service lines shall be installed with a cover of not less than 18 inches above the top of the pipe, except where interference with other sub-surface structures or the insertion/lining of service lines makes it impracticable to maintain this depth of cover, or where short length replacement sections require offsets that could result in the trapping of liquids. In such cases, shielding shall be installed that conforms with gas industry standards, both in respect to material and manner of installation.

14:7-1.14 Pressure testing

- (a) (d) (No change.)
- [(e) The operator shall report the test results to Board staff in accordance with N.J.A.C. 14:7-1.26.]
- (e) Before a transmission pipeline is placed in operation, the operator shall pressure test the pipeline to ensure that the pipeline meets the applicable requirements of 49 C.F.R. 192, Subpart J, 192.501 through 192.517 and this chapter.
- (f) Within one month after the completion date of the pressure test required in (a) above, the pipeline operator shall submit a report to the Board's Bureau of Pipeline Safety in accordance with N.J.A.C. 14:7-1.26, certifying that the pipeline meets the applicable requirements of 49 C.F.R. 192, Subpart J, 192.501 through 192.517 and this chapter. The report shall also include:
 - 1. <u>Test records, recording charts, and calibration reports confirming the pressure tests;</u>
 - 2. The computation of maximum allowable operating pressures in conformity with the provisions of the Federal Code; and
 - 3. The results of leakage or tightness tests made on the line.

[14:7-1.19 Testing prior to transmission pipeline operation

- (a) Before a transmission pipeline is placed in operation, a statement shall be submitted to the Board certifying that the pipeline has been tested and meets the requirements of 49 C.F.R. 192, Subpart J, 192.501 through 192.517 and this chapter for the maximum operating pressure. This statement shall also include:
 - 1. Test records, recording charts, and calibration reports confirming the pressure tests:
 - 2. The computation of maximum allowable operating pressures in conformity with the provisions of the Federal Code; and
 - 3. The results of leakage or tightness tests made on the line.] (Reserved.)

14:7-1.20 Monthly inspection patrols and leak detection surveys

- (a) (b) (No change.)
- (c) [The] Any leak detection surveys required under (b) above that are conducted outdoors shall be performed using leak detection equipment that is at least as reliable and sensitive as flame ionization.
- (d) (f) (No change.)

14:7-1.24 Oversight of construction activity

- (a) (No change.)
- (b) A pipeline operator shall ensure that each contractor crew performing work on behalf of the operator is inspected by the operator's inspectors at least once each work day; or as often as the operator deems necessary to ensure the quality and safety of the work being performed.
- (c) A pipeline operator shall employ only inspectors that are qualified, by knowledge and experience, in all areas of work that will be inspected, and who meet all requirements of the operator's program for qualification of pipeline personnel, established under 49 CFR. 192, Subpart N, 192.801 through 192.809 [, and approved by the Board's Bureau of Pipeline Safety in accordance with N.J.A.C. 14:7-1.23].
- (d) [A] <u>Each</u> pipeline operator shall [establish and] <u>perform quality assurance/quality control audits of work on natural gas pipelines, and shall maintain [quality assurance/quality control inspection] <u>the audit</u> records for [all] work performed[, whether] by <u>both</u> operator employees [or] <u>and</u> contractors. At a minimum, each [inspector] <u>audit</u> shall document [and perform] the following for each crew [inspected during a quality assurance/quality control inspection]:</u>
 - 1. Verify whether construction personnel meet all requirements of the operator's [Bureau of Pipeline Safety-approved] program for qualification of pipeline personnel for the work being performed;
 - 2. 13. (No change.)
- (e) (f) no change.

14:7-1.25 Directional drilling operations

- (a) (b) (No change.)
- (c) Prior to beginning any natural gas pipeline HDD work that will be in proximity to and/or will cross gas pipelines subjected to or intended to be subjected to pressure in excess of 125 psig, the pipeline operator shall prepare proposed horizontal directional drilling (HDD) plan and profile drawings. The drawings shall depict all subsurface facilities in proximity to and/or crossing the proposed HDD alignment. The operator shall make these drawings available to Board staff for review upon request.
- (d) (e) (No change.)
- (f) A pipeline operator shall do one of the following to ensure the integrity of plastic pipe that is installed using HDD:
 - Utilize "window" excavations to view each section of plastic pipe as it is pulled in, so as to verify that the HDD pipe has not been damaged. <u>An inspector shall</u> <u>witness the conditions of pipe at all "window" excavations and the operator shall</u> retain documentation of the inspection. The operator shall determine the number

- of "window" excavations needed for pipe inspection commensurate with the length of the HDD operation;
- 2. Submit to Board staff a written request for approval of an alternative method for verifying that the HDD pipe has not been damaged. The operator shall include documentation that the alternative method will be as effective as "window" excavations in enabling inspectors to verify that the HDD pipe has not been damaged, and the alternative method shall not be used until Board staff have approved it; or
- 3. [2.] 3. Provide Bureau of Pipeline Safety staff with documentation to show that ["window" excavations are] verification that the HDD pipe has not been damaged is not necessary because the soil characteristics and conditions will not adversely affect the plastic pipe during the HDD operations.
- (g) (No change.)
- (h) A pipeline operator shall have an inspector physically present on site at all times when [subsurface facilities] <u>transmission pipelines</u> are being crossed by HDD[. An inspector shall also witness and document all pipe inspections at "window" excavations] conducted under this section.

SUBCHAPTER 2. VIOLATIONS, INFORMAL CONFERENCES, CIVIL ADMINISTRATIVE PENALTIES AND ADJUDICATORY HEARINGS

14:7-2.3 Response by alleged violator to Notice of Probable Violation

- (a) The alleged violator shall respond to the Notice of Probable Violation by submitting the completed Answering Certification to the Board's Division of Reliability and Security within 21 calendar [14 business] days after receiving the Notice of Probable Violation and form of Answering Certification. The alleged violator shall submit the Answering Certification regardless of whether the alleged violator wishes to contest the NOPV.
- (b) (e) (No change.)